

## **DOMESTIC RELATIONS COMMITTEE**

Meeting Minutes – March 17, 2006

### **PRESENT:**

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### **Co-CHAIRS:**

Hon. Peter Hershberger, Co-Chair  
Hon. Karen Johnson, Co-Chair

### **MEMBERS:**

- ☐ Hon. Paula Aboud
- ☐ Hon. Karen Adam
- ☐ Lucille Antone-Morago
- Theresa Barrett
- ☐ Honorable Tim Bee
- ☐ Honorable Andy Biggs
- ☐ Honorable David Bradley
- Honorable Bill Brotherton (telephonically)
- Jodi Brown
- Sidney Buckman
- Daniel Cartagena (telephonically)
- William Fabricius
- ☐ Honorable Beverly Frame
- ☐ Linda Leatherman
- Ella Maley
- Hon. Debbie McCune-Davis
- ☐ George Salaz
- Ellen Seaborne
- Russell Smoldon
- Judy Walruff
- ☐ Wanda Weber
- David Weinstock
- Dale Wiebusch
- ☐ Hon. Thomas Wing
- Steve Wolfson
- Brian Yee

### **STAFF:**

Megan Hunter  
Kim Martineau  
Annette Mariani

Administrative Office of the Courts  
Senate Family Services Committee Analyst  
Administrative Office of the Courts

### **GUESTS:**

Janet Sell  
Megan Scott

Attorney General's Office  
DES, Legislative Services

## CALL TO ORDER

The meeting was called to order by Representative McCune-Davis at 10:16 a.m. Rep. McCune-Davis was appointed by the co-chairs to chair this meeting in their absence. Due to members departures and arrivals, a quorum was never present.

## ANNOUNCEMENTS

Judy Walruff announced that this would be her last meeting with the Committee. Judy has taken a position with the Governor's Full Readiness Board beginning on May 10, 2006. She thanked everyone for the privilege of serving.

Commissioner Karen Adam has been selected to be interviewed by Governor Napolitano for the opening on the Superior Court in Pima County bench.

## APPROVAL OF MINUTES

Without a quorum present, the Committee will wait until the next scheduled meeting to approve the minutes.

## LEGISLATIVE UPDATE – KIM MARTINEAU, SENATE FAMILY SERVICES COMMITTEE ANALYST

Kim Martineau provided members with an overview of family law-related legislation. Member's comments are indicated in relevant sections under "Comment(s)".

BILL	DOMESTIC RELATIONS
SB1087	Passed out of House Human Services Committee. Next step: House Rules
SB1267	Emergency measure. Passed out of Senate but has not been assigned to any House Committees. Comment(s): This needs to be assured that it is flagged for committee. A conversation needs to take place with the Majority Leader to make this happen. Members will speak with committee co-chairs regarding assignment to the appropriate committee(s).
HB2026	Assigned to House Judiciary but did not receive a hearing. This may be amended onto another bill.
HB2559	Passed the House and has not been assigned to committees in the Senate.
HB2561	Received a hearing in House Ways and Means but was held. The deadline to hear bills has passed so the bill is dead.
HB2716	Bill and bill number are now dead. They did not make it through House committees. The concept of the bill is being put on as a strike everything amendment to HB 2413 in Senate Family Services. Comment(s): If the striker is adopted and passes Family Services it would then go through Rules, Committee of the Whole and third read by the Senate. After it is passed from the Senate, it would go back to sponsor (Rep. Hershberger) and he would either concur with changes or refuse and a conference committee would meet. Final vote would be in the House.
HB2794	Assigned to House Judiciary Committee but did not receive a hearing. Comment(s): This was discussed at the Creditor Issues' Workgroup meeting. Prior to introducing this next year, a meeting with the Secretary of State is necessary.
BILL	CHILD SUPPORT - STATUS
HB2279	Assigned to House Human Services and Rules but not heard. Bill is dead.
HB2292	Passed the Senate Committee of the Whole. Next step: third read by Senate,

	then will go to sponsor (Rep. Hershberger) to concur or refuse. Comment(s): With the amendment that was adopted how does the clearinghouse keep track of payments? The affidavit would need to be forwarded on to the clearinghouse.
HB2342	Passed out of the House Human Services Committee and will go to Rules next.
HB2488	Heard in Senate Family Services but was a vote was not taken. On agenda for next week.
HB2466	Passed through the House and is now assigned to Senate Rules.
HB2739	Assigned to Senate Appropriations B & Appropriations P but not heard. Bill is dead.
SB1194	Skipped Committee of the Whole and has not been scheduled for Third Read. The bill is probably dead.
SB1294	Passed House Human Services. Next: to House Judiciary Committee after compromise language is reached. Comment(s): Steve Wolfson commented that he attended the hearing on this bill and spoke with representatives of the Attorney General's office and others. There are still concerns regarding the elimination of statute of limitations – this may create more problems than what it would solve. To his knowledge there has been no specific vote or Board of Governor's action through the State Bar. A big issue is the time period beyond the 3 years of majority.

Members chose to take a straw poll of those in attendance to determine whether this bill should go forward or not. The straw poll indicated that those presents were unanimously opposed to the bill's passage.

BILL	DOMESTIC VIOLENCE - STATUS
SB1097	Assigned to House Judiciary Committee. A strike everything amendment was adopted in Senate Family Services.
SB1147	Passed Senate Judiciary and assigned to House Judiciary Committee.
SB1342	Bill is dead.
SB1493	Bill is dead. Comment(s) Could this be considered by this group next year? CIDVIC has been following this bill closely and continue working with law enforcement.
SB1430	Kim reported that the bills involves a few changes: <ul style="list-style-type: none"> <li>• The bill raises the burden of proof for both dependency and termination of parental rights. Dependency at the present time is a preponderance of the evidence, and raises that burden to clear and convincing evidence. Termination of parental rights is currently clear and convincing evidence and raises the burden to beyond a reasonable doubt.</li> <li>• Requires CPS to make a reasonable effort to inform the family of all their rights as they relate to the process before they remove the child.</li> <li>• Establishes a family advocacy counsel that is made up of legislatures,</li> </ul>

	<p>CASA, a family law judge, parents. Role of counsel is to advocate for families involved in CPS.</p> <ul style="list-style-type: none"> <li>• Sets up an office that provides staff support to the counsel.</li> </ul> <p>This bill passed out of the Senate on third read and will now go to the House and be assigned to a committee.</p> <p>Comment(s): Discussion ensued on the close monitoring of this bill and its importance. Areas impacted: foster care, schooling, data collection</p>
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## **2006 STRATEGIC PLANNING**

Megan Hunter reviewed the directives of the Committee, some background information, and strategic planning issues/concerns that were identified at the February 17, 2006 meeting. Members discussed the possibility of bringing in a strategic planning expert for long-term strategic planning. The co-chairs were apprized of the discussion and asked that Megan lead the discussion at this time.

Arizona law requires this committee to:

- Prepare a statewide plan for Integrated Family Court; (this has been done; ongoing with legislation working on pilot programs)
- Recommend changes to DR statutes, rules and procedures and other related issues designed to lead a reform of the State's DR Statutes; (ongoing); and
- Development among training standards on domestic violence and child abuse for persons conducting an investigation or preparing a report concerning child custodial arrangements (this was done 2 years ago and goes into effect July 1, 2006).

Members prioritized the Committee's 2006 activities as follows:

### Parent Education

- Issues related to minor parents
- Intentional estrangement
- Review/recommend integration of cognitive development research to parents
- Issues of technology
- Court processes for high conflict cases

### Parenting Time

- IV-D Child Support Orders
- Data Collection
- Periodic publication of what this committee's work
- Revisit and expand the existing Model Parenting Time Plan
- Annual training
- Speakers for discussion on various topics
- Father absence

### Financial

- Identifying and accessing resources

### Dissolution

- Simple documentation for pro se litigants
- Information for litigants regarding processes/resources – Dissolution “101”

### Custody

- Temporary Orders
- Use of hospital paternity forms
- Greater emphasis on ADR – concerted effort on mediation
- Addressing procedural problems in the way cases are processed

### Domestic Violence

- Parental estrangement as a form of child abuse
- Orders of Protection

### CPS Related Issues

- Quality Assurance – lack of assessments
- Data Collection – create a guide
- Invite David Burns to speak to the Committee
- Invite representative from Justice for Children speak to the Committee– Representative Lujan
- Monitor CPS legislation

### Education

- Marriage Education Proposal (in relation to financial credit)
- Children whose parents are separating (kid directed)

### Grandparents

- Visitation rights
- If parent’s rights have been terminated for good cause, should grandparent’s rights also be terminated?

### Parenting Time

- Greater emphasis on ADR, concerted effort on mediation

### **CALL TO THE PUBLIC**

Janet Sell, Assistant Attorney General, Child Support Section, Attorney General’s Office  
Janet commented that the straw poll on SB 1294 taken today without a quorum should not have occurred. She does not feel that this group gave it a fair hearing. She suggested that there are a number of good public policy arguments on this bill. Janet spoke on the Statute of Limitations of this bill. Janet reported that there are 6000 cases a year that need a judgment before the statute of limitations runs (only for IV-D population). When considering the bill, one of the questions raised was on the issue of how the resources should be spent, i.e. should they be spent on obtaining a judgment for someone who may already have a court order that was not obeyed, or on obtaining

new orders for additional children and additional families. Janet stated that there are issues surrounding final judgment on arrears with direct payments or payments that were made that were not accounted for by the clearinghouse. There has been a public policy in the State of Arizona for twenty years that requires paying parents to pay through the clearinghouse. The burden falls on the custodial parent when the non-custodial parent does not pay through the clearinghouse causing the custodial parent to have to obtain a judgment and prove to the court that they did not get paid.

**WORKGROUP REPORTS**

The workgroups did not meet.

**NEXT MEETING**

The next meeting will be held on May 19, 2006, Arizona Courts Building, Conference Room 119A/B.

**ADJOURNMENT**

The meeting was adjourned at 1:05 pm